

AGENDA

Cumberland Town Council Meeting

Town Council Chambers

MONDAY, November 9, 2015

7:00 P.M. Call to Order

6:45 FINANCE COMMITTEE MEETING

I. CALL TO ORDER

II. APPROVAL OF MINUTES

October 26, 2015

III. MANAGER'S REPORT

IV. PUBLIC DISCUSSION

V. LEGISLATION AND POLICY

- 15 – 149** To consider and act on authorizing the Code Enforcement Officer to execute a Consent Agreement with the owners of 315 Blanchard Road.
- 15 – 150** To adopt the committee charge for the new Conservation Subdivision Advisory Committee.
- 15 – 151** To hold a Public Hearing to consider and act on amendments to the Town Center Growth Area and proposed zone changes as recommended by the Planning Board.
- 15 – 152** To hold a Public Hearing to consider and act on accepting Drowne Road, Wyman Way and Beach Drive as public roads.
- 15 – 153** To set a Public Hearing date of November 23rd to consider and act on the 2016 Shellfish License allocations, as recommended by the Shellfish Conservation Commission.
- 15 – 154** To set a Public Hearing date of November 23rd to consider and act on authorizing the Town Manager to execute a winter maintenance agreement with Castle Rock Drive.
- 15 – 155** To set a Public Hearing date of November 23rd to consider and act on draft zoning amendments to Section 315-71 F (Residential Care Facilities) of the Cumberland Code, as recommended by the Planning Board.

VI. NEW BUSINESS

VII. ADJOURNMENT

MOTIONS

MOTIONS

- 15 – 149 I move to authorize** the Code Enforcement Officer to execute a Consent Agreement with the owners of 315 Blanchard Road.
- 15 – 150 I move to adopt** the committee charge for the new Conservation Subdivision Advisory Committee and authorize advertising for committee members.
- 15 – 151 I move to amend** the Town Center Growth Area and proposed zone changes as recommended by the Planning Board.
- 15 – 152 I move to accept** Drowne Road, Wyman Way and Beach Drive as public roads.
- 15 – 153 I move to set** a Public Hearing date of November 23rd to consider and act on the 2016 Shellfish License allocations, as recommended by the Shellfish Conservation Commission.
- 15 – 154 I move to set** a Public Hearing date of November 23rd to consider and act on authorizing the Town Manager to execute a winter maintenance agreement with Castle Rock Drive.
- 15 – 155 I move to set** a Public Hearing date of November 23rd to consider and act on draft zoning amendments to Section 315-71 F (Residential Care Facilities) of the Cumberland Code, as recommended by the Planning Board.

MINUTES

10/26/15

MINUTES

Cumberland Town Council Meeting

Town Council Chambers

MONDAY, October 26, 2015

6:00 & 6:30 Workshops

7:00 P.M. Call to Order

6:00 WORKSHOP with Board of Assessment Review

6:30 WORKSHOP with Town Attorney re: Litigation Update

7:00 P.M. CALL TO ORDER

Present: Councilors Bingham, Turner, Copp, Edes, Gruber, Stiles, and Storey-King

I. APPROVAL OF MINUTES

Motion by Councilor Gruber, seconded by Councilor Storey-King, to accept the October 12, 2015 meeting minutes as presented.

VOTE: 7-0 UNANIMOUS

II. MANAGER'S REPORT

Town Attorney, Ken Cole gave the following update on the status of the litigation on the "Payson Property":

As a result of the Town's purchase and the Town's decision to use the property for various public purposes, including public access, there was a lawsuit filed by some of the heirs of the individual who imposed the conservation easement on the property in 1997. The lawsuit went to the Cumberland County Superior Court and the Town filed a motion to dismiss based on the grounds that under Maine's Uniformed Conservation Easement Statute. The only individual standing to enforce a conservation easement are the entity that it was granted to (Chebeague & Cumberland Land Trust), and/or the owner of the property (the Town), or the Attorney General. Superior Court agreed with that analysis and dismissed the case. It was appealed to the Maine Supreme Court on the argument that there should be a broader interpretation of Maine Statute that would allow individuals who might otherwise have rights either as heirs of the individual who granted the conservation easement or as abutters. That appeal is still pending. There is not likely to be a final decision until next summer.

Former Town Councilor Harland Storey, Town Manager Shane and Chairman Bingham presented Attorney Cole with a Town lamp to show their appreciation for his 44 years of service to the Town, as he will be retiring very soon.

III. PUBLIC DISCUSSION

Christine Curtis of 71 Woody Creek Lane (off Route 9) read the following letter to the Council:

As you probably know, Route 9 is the main thoroughfare between Route 295 and points west, including Cumberland, North Yarmouth, Gray, etc. In the seventeen years that we have lived off Route 9, the traffic on this road has increased immeasurably. New construction and road work have encouraged heavy trucking through the area and excessive speed has become an issue. Because Route 9 has no breakdown lane on either side, there is virtually no place to go to get out of the way of passing traffic or in the case of an emergency. The only areas of escape are down an embankment and into the woods. With the onset of winter and the promise of icy roadways, the danger worsens. One of the greatest challenges we face along Route 9 is our encounter with bicyclists. This time of year even more so, as the sun is setting lower in the sky, making it nearly impossible to see the cyclists who are actually in the

driving lane. I know that it is our responsibility as drivers of motor vehicles to always be on the alert for any obstacles in our path, and we are encouraged to share the road with bicyclists. That being acknowledged, it would be a tragedy should an accident between a motorist and a cyclist occur, knowing what the outcome would be. Widening the road and installing bicycle lanes would greatly diminish the possibilities for disaster. There have been so many incidents in which a traffic signal or a stop sign has been installed only after a serious accident has occurred.

In addition to dodging bicyclists and dealing with speeding traffic, we risk our lives every day just retrieving our mail from the post boxes that sit directly on Route 9, and just trying to pull out of or enter our road is a death-defying act. The lack of a double line along that stretch of road allows motor vehicles to pass, pick up speed and swerve out into the oncoming lane and toward the mailboxes. The posted speed limit is 45 mph in our area, which seems to mean very little to many drivers.

We recognize that in order to widen the road, there are a number of engineering challenges along Route 9, primarily the spots where the road crosses running water or deep ravines. Other than those areas, there do not seem to be any areas of the road that could not be widened. We have driven the section of road from the Falmouth line to Blanchard Road and see the areas where the danger to a bicyclist or pedestrian would be more severe. One in particular is the narrow area near the tracks where the market is. The road rises and falls as well as curves, creating a blind spot both ways. The stretch of road from that area to Winn Road is extremely narrow and hilly. Of course, the aforementioned areas where the road crosses the river and other waterways create no safe escape from danger on the road.

Every year, sometime around late summer, work crews dump soft soil along the sides of the road. The first heavy rain washes the dirt into the culverts. Because the culverts are now full of dirt and other debris, the next heavy rain causes the culverts to overflow and wash out the driveways and roads that run off Route 9. Then crews come along and repair the driveways and roads, and the entire operation is repeated the following year. I'm no accountant, but the process does not appear to be cost effective. A wider road would go a long way in the protection of the culverts, roads and driveways.

Some of the most dangerous sections of Route 9 run from the Cumberland line to Middle Road in Falmouth. Ideally, the widening project should include all this stretch of road; however I don't think that the good people of Falmouth would be receptive to my pleas regarding this issue. We are hoping that you will entertain this request and propose the same to Falmouth.

In addition to the safety factors, residents who live along a main thoroughfare have few opportunities to create a close and vibrant neighborhood atmosphere. Widening the road and adding bicycle/pedestrian lanes would encourage parents and children to safely visit friends and neighbors, whether on foot or with kids on bikes and toddlers in tow. As the road stands now, no reasonable parents would allow their child to bike along Route 9. I know that I would be thrilled to be able to put on my walking shoes and head out to the library. What a nice walk that would be!

In closing, please let me say that we are delighted to be living in Cumberland, that the town services are exemplary and the town leaders are accessible. We live in the middle of a pasture where the birds fill our trees and the deer bed down at night. This is paradise. We would just like to request that our paradise be a bit safer. Thank you all for your consideration.

Chairman Bingham thanked Mrs. Curtis for her comments and told her that the Council has a policy to respond to items brought up in Public Discussion under the New Business portion of the meeting.

IV. LEGISLATION AND POLICY

- 15 – 142 To hear a presentation from Tom Gorrill of Gorrill Palmer Consulting Engineers re: Route One center turn lane 2016.

Route 1 Center Turning Lane Cumberland, Maine Council Meeting

October 26, 2015



Project Limits



Project Description

- Add a Two Way Center Left Turn Lane to two portions of Route 1
 - Turning off Route 1: removes left turning traffic from path of through traffic
 - Turning onto Route 1: Two-Stage Exit
- Add a right turn lane to Route 1 at Skyview Drive and at Thomas Drive
 - Reduces likelihood of rear end collisions

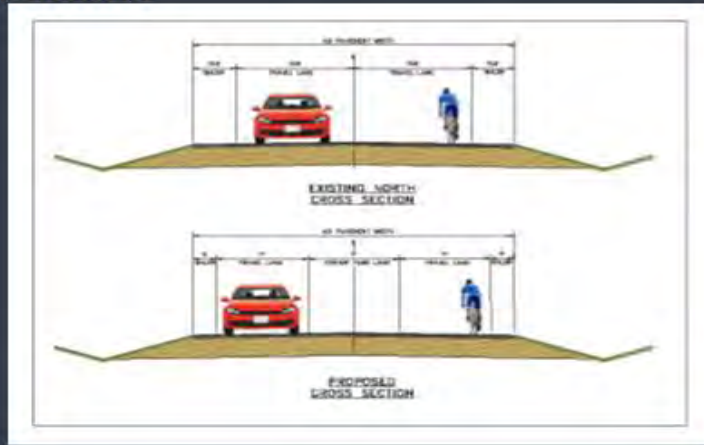
North Section



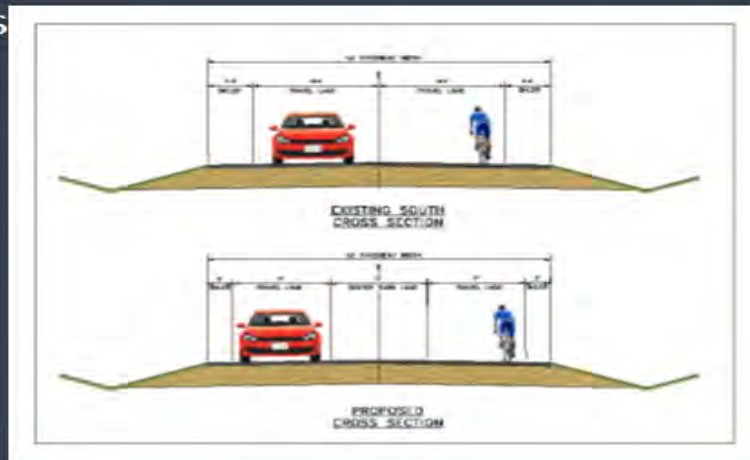
South Section



Typical Sections



Typical Sections



Capacity

- North Section 2013 AADT – 6230
- South Section 2013 AADT – 6710
- The three lanes have capacity for up to 18,000 vehicles/day
- Still accommodates bicycles



Maine DOT Discussion & Neighborhood Meetings

- Neighborhood Meetings November 2015 – January 2016
- MDOT Meeting January 2016
- Construction Summer of 2016



Tom Foley of True Spring Farm said that he is not opposed to this plan, but is concerned about speed and the traffic coming and going from his neighborhood and the new neighborhood across the street. He hopes that there will be signage letting people know that the turning lane is coming up ahead.

Don Fischer of Rockwood Condominiums said that he likes this plan and would also like to see signage warning drivers.

Sandra Porter lives on Route One and is concerned about pedestrian safety, especially with the 45 new homes being built in that area.

15 – 143 To hear a report from the Town Manager re: proposed Senior Circuit Breaker Program.

Town Manager Shane explained that Cumberland was one of 6 Towns in the state that had a property tax relief program for its seniors that had lived in Town for over 10 years, and were over the age of 67. Several years ago, the State abolished the Senior Circuit Breaker Program and replaced it with a property tax fairness credit. That credit took us from approximately \$300,000 down to \$10,000 this year, and took away the ability for Towns to have their own tax relief programs for senior residents. We have been working with the Town Attorney and have come up with a new program. The Senior Circuit Breaker Committee will look at the new program and it should be ready to go by July 1st.

Motion by Councilor Gruber, seconded by Councilor Copp, to forward the proposal to the Senior Circuit Breaker Committee for consideration and return it to the Town Council no later than December 14th for a Public Hearing.

VOTE: 7-0 UNANIMOUS

**15 – 144 To hold a Public Hearing to consider and act on accepting Castle Rock Drive as a public road.
(TABLE to November 9th)**

Motion by Councilor Stiles, seconded by Councilor Copp, to table to November 9th

VOTE: 7-0 UNANIMOUS

15 – 145 To hold a Public Hearing to consider and act on draft amendments to the 2009 Comprehensive Plan as recommended by the Planning Board in their Notices of Decision dated August 19th and September 16th, 2015 (excluding Town Center Growth Area).

Town Manager Shane explained that the Town has changed a lot since the 2009 Comprehensive Plan was adopted and it was time to do an update. The Town Council appointed a 12 member committee to look at the RR1, RR2 and growth areas of Town and come back with a plan. The committee also looked at adding some uses on Route One and eliminating others (such as timber harvesting and drive-thru). We feel confident that the recommendation is a good road map and a good step to go forward.

Chairman Bingham opened the Public Hearing.

Planning Board Chairman, Chris Neagle said that on the Notice of Decision dated August 19, 2015, items number 7 & 8 should not be there. They have to do with the Conservation Subdivision Ordinance which was a separate item. This is an error.

Chairman Bingham closed the Public Hearing.

Motion by Councilor Storey-King, seconded by Councilor Copp, to approve the draft amendments to the 2009 Comprehensive Plan as recommended by the Planning Board in their Notices of Decision dated August 19th (as amended) and September 16th, 2015 attached herein (excluding Town Center Growth Area).

VOTE: 6-1 (Edes opposed) MOTION PASSES

15 – 146 To hear a report and consider setting a future Public Hearing date for amendments to the Traffic Ordinance regarding parking on Orchard Road.
Town Manager Shane presented the following:

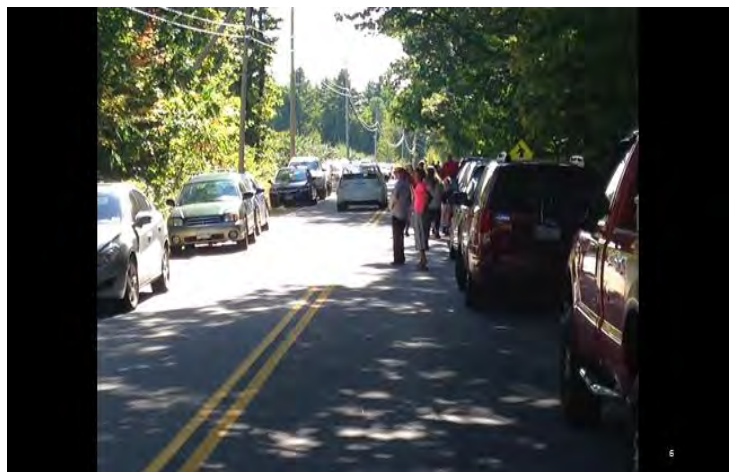
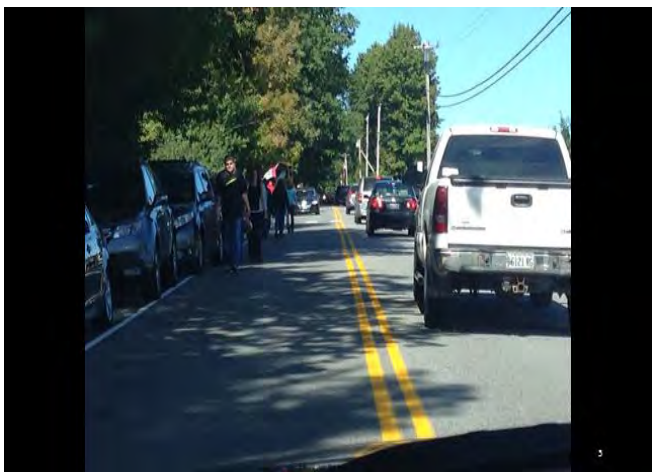
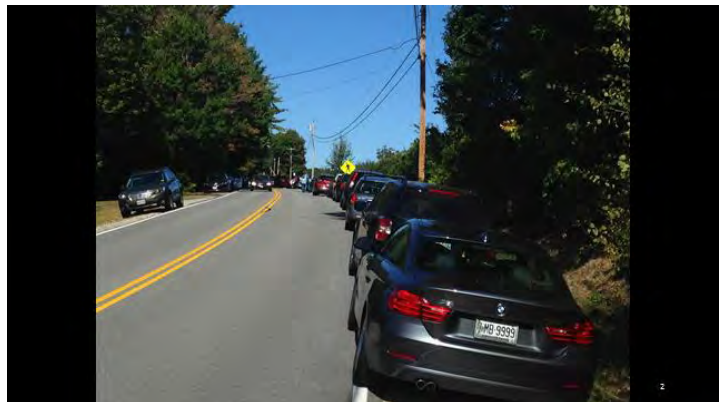


Orchard Hill
Apple Orchard

Future Parking Proposal for 2016

By
William R. Shane, Town Manager
Chief Joseph Charron
Lieutenant Milton Calder
Chris Bolduc, Asst. Town Manager

October 26, 2015





October 14, 2015 Meeting on Site

The Police Chief & Lieutenant, the Assistant Manager and I met onsite with Bob Pierce ,the owner, and walked all the roadside parking areas

The following Plan proposal was agreed to as a good solution to the current parking situation



Parking & Traffic Proposal for Orchard Hill

- Install drainage and gravel along shoulder along easterly side of Orchard Road - Town to provide 6" underdrain, stone and gravel for 700' of Shoulder Improvements – Owner to supply equipment and labor for installation to Town Specification
- Owner to Remove Trees and develop parking area on the westerly side for a total distance of approximately 600' . The Parking shall allow for a 4' Shoulder along Orchard Road and create perpendicular parking .
- Town shall monitor weekend traffic ,including speeds and conformance with shoulder usage by pedestrians walking to store.
- Town Shall Post remaining unimproved areas "No Parking " east & west side both north and south of the Orchard Hill



Parking & Traffic Proposal – Next Steps

- Set Public Hearing for Neighborhood Input
- Set Public Hearing for Public Hearing to Amend Traffic Ordinance and prohibit parking per proposal
- If improvements are not completed by August 15th a Public Hearing will be scheduled to post the entire westerly side of Orchard Road “No Parking”

11

Town Manager Shane said that if the improvements are done by August 15, 2016, we can hold a Public Hearing at that time and amend the Traffic Ordinance to make that area a no parking zone. If the improvements are not done, the Manager will come back to the Council to possibly make the store side of the road a no parking area. He is confident that we can work with the Pierce's to find a solution.

Bob Pierce of Orchard Road said that he appreciates this proposal. His main concern is pedestrian safety. The nice thing about parking on both sides of the road is that it slows the traffic down substantially. He feels that changing the traffic ordinance on Orchard Road is too extreme. He feels that if he does some ditch work on the store side of the road, we can get the vehicles completely off the road.

Councilor Copp said that the 300 feet that Mr. Peirce has already fixed has made a huge difference. What they have done with the orchard since they have owned it is phenomenal. We need to work with them to find a solution.

Town Manager Shane said that a neighborhood meeting should be held to get input from them.

Councilor Turner said that if Mr. Pierce improves the 1,000 feet as he proposed, it may be premature to change the traffic ordinance if that is the solution.

Motion by Councilor Copp, seconded by Councilor Stiles, to table.

VOTE: 7-0 UNANIMOUS

15 – 147 To authorize the Town Manager to accept an anonymous donation of \$30,000 to be used for food, fuel assistance and school supplies, and to authorize the Manager to execute a gift letter.

Town Manager Shane said that this family, who wishes to remain anonymous, donates so much which allows others to get through tough times. We were able to help 45 children with school supplies this year because of the generosity of this family. They have made a donation such as this every year for the past 10 to 13 years.

Motion by Councilor Gruber, seconded by Councilor Edes, to authorize the Town Manager to accept an anonymous donation of \$30,000 to be used for food, fuel assistance and school supplies, and to authorize the Town Manager to execute a gift letter.

VOTE: 7-0 UNANIMOUS

15 – 148 To appoint Renee LaChapelle as Tax Assessor.

Town Manager Shane said that with the departure of Gary James as Tax Assessor, we are required by law to appoint another Assessor. We are presently under contract with Cumberland County for our assessing services through June 30th. He is recommending the appointment of Renee until the end of this fiscal year.

Motion by Councilor Stiles, seconded by Councilor Turner, to appoint Renee LaChapelle as Tax Assessor.
VOTE: 7-0 UNANIMOUS

V. **NEW BUSINESS**

Councilor Edes – he asked the Manager how bulky item pick up week went.
Town Manager Shane said that surprisingly, our tonnage was down 10% from last year.

Councilor Gruber – reminder that this Saturday is the Aging in Place community forum from 10 a.m. to 2:30 p.m. at the middle school.



Thank you to the Lands and Conservation Commission and the Public Services Department for the great work on the new trails in the Town Forest. There was an opening celebration this past weekend.

Councilor Storey-King – Good luck to all Greely sports teams heading into fall playoff season.

It's deer hunting season and the Cumberland Police Department has been warning people on their Face Book page to be careful of deer while driving.

Councilor Turner – the Knight's Pond celebration was well attended. He has been enjoying that property for many years and he is happy that we now own it.

Chairman Bingham – he will be leaving next week for 16 days in Nepal. Vice-chairman Turner will be chairing the next Council meeting in his absence.

Councilor Stiles – he also attended the events for Knight's Pond the Town Forest and was very impressed with the turnout.

He reminded the public that he will continue to solicit donations for the 4-H auction next year to purchase meat for the Food Pantry. Councilor Copp donated \$20 as he promised to do at every Council meeting.

Please be careful if walking in the woods during hunting season and remember to wear orange (your pets too).

Councilor Copp – he visited the back side of Forest Lake and was impressed with the people working on the road improvements. It's a work in progress, but there were a lot of people pitching in to help cutting the brush back. C.R. Tandberg was there working on the turn arounds.


He asked Councilor Gruber if the food pantry accepted deer or birds that people hunt.

Councilor Gruber said that there is a program where Wayside will pick up the animal and have it processed.

Town Manager Shane – in regard to Mrs. Curtis’s comments regarding Route 9, that is a state road and the Town is only responsible for plowing it in the winter. The only improvement that the state will ever do to that road is add a thin layer of pavement every 8 to 10 years. This project would be appropriate for the 5-year capital plan and we can look at it during the next budget process.

The Manager presented the following notice of the smoke testing to sewer mains going on around town:

Notice of Smoke Testing of Sewer Mains



Slide 1 of 2

As part of a survey of the town's sewer system, the Portland Water District will be conducting smoke testing from October 27th to 30th. This will help identify any leaks or defects in the sewers. The smoke is non-toxic.

**Concerns? Please Contact
Portland Water District 207-774-5961**

Notice of Smoke Testing of Sewer Mains

<u>Streets Affected</u>	
Birch Lane	Ocean Terrace
Brookside Drive	Pine Lane
Concord Circle	Stony Ridge Road
Coveside Road	Sylvan Lane
Ebb Tide Drive	Val Halla Road
Ferne Lane	Wildwood Boulevard
Island View Drive	

Slide 2 of 2

****Door hangers with detailed information will be distributed to residents of the affected streets****

**Concerns? Please Contact
Portland Water District 207-774-5961**

VI. EXECUTIVE SESSION pursuant to Title 36 M.R.S.A. Section 841(2) to consider and act on two applications for tax abatement based on hardship.

Motion by Councilor Stiles, seconded by Councilor Turner to recess to EXECUTIVE SESSION pursuant to Title 36 M.R.S.A. Section 841(2) to consider and act on two applications for tax abatement based on hardship.

VOTE: 7-0 UNANIMOUS

TIME: 9:00 p.m.

Reconvene to regular session at 9:10 p.m.

Motion by Councilor Storey-King, seconded by Councilor Stiles, to deny tax abatement request #1.

VOTE: 7-0 UNANIMOUS

Motion by Councilor Copp, seconded by Councilor Stiles, to deny tax abatement request #2.

VOTE: 6-1 (Gruber opposed) MOTION PASSES

VII. ADJOURNMENT

Motion by Councilor Copp, seconded by Councilor Turner, to adjourn.

VOTE: 7-0 UNANIMOUS

TIME: 9:12 p.m.

Respectfully submitted by,

Brenda L. Moore

Council Secretary

(minutes prepared from recording - not present at meeting)

ITEM 15-149

To consider and act on authorizing the Code Enforcement Officer
to execute a Consent Agreement with the owners of
315 Blanchard Road

CONSENT AGREEMENT

This Consent Agreement is entered into this _____ day of _____, 2015 by and between ATLANTIC REGIONAL FEDERAL CREDIT UNION, who owns property located at 315 Blanchard Road, Cumberland, Maine (“Atlantic”) and the TOWN OF CUMBERLAND, a municipal corporation located in the County of Cumberland and State of Maine (the “Town”).

Atlantic and the Town stipulate to the following facts:

1. The Town is a municipal corporation organized under the laws of the State of Maine. William Longley is the duly authorized Code Enforcement Officer of the Town and authorized under state law to administer and enforce the Town’s Zoning Ordinance.
2. In 1986, a single family dwelling with attached garage was constructed on the premises at 315 Blanchard Road in Cumberland, Maine (the “Property”). The property is described in a deed from Willard C. Warren, III and Daphne G. Warren to Derrill M. Twomey and Deborah P. Twomey dated March 25, 1988 and recorded in the Cumberland County Registry of Deeds in Book 8223 Page 187. The Property consists of approximately 1.52 acres and includes a single family dwelling with an attached garage. The house was in existence when the original Certificate of Occupancy was issued for the Property. The Property is shown on the Town’s Tax Assessor’s Map R08, Block 66, Lot D.
3. A Mortgage Loan Inspection dated October 27, 2015 by Livingston-Hughes, Surveyors disclosed an apparent encroachment by the house of the side setback requirement of the Town’s Zoning Ordinance along with an apparent encroachment by the barn of the rear and side setback requirements of the Town’s Zoning Ordinance. A copy of the Mortgage Loan Inspection Plan, attached hereto as Exhibit A, indicates the house is located eighteen (18) feet, more or less, from the side property line. Said Mortgage Loan Inspection Plan indicates the barn is located eighteen (18) feet from one side property line, and thirty (30) feet from the other side property line. Said Mortgage Loan Inspection Plan indicates the barn is located forty-five (45) feet from the rear property line.
4. The Town’s Zoning Ordinance in 1988 applies to the house and garage, and required a structure to be set back thirty (30) feet from the sideline. The Town’s Zoning Ordinance in 2003 applies to the barn and required a structure to be set back thirty-five (35) feet from the sideline and 75 feet from the rear property line. In September 2003, the Town granted a variance for the barn that reduced the rear set back requirement from seventy-five (75) feet to fifty (50) feet.
5. The Code Enforcement Officer has investigated the case and has determined that the aforementioned setback violations do not result in any significant health, safety, or welfare problem.

6. Atlantic agrees to pay the Town's attorney's fees and costs associated in the amount of Five Hundred Dollars (\$500.00). Such payment shall be made payable to the Town of Cumberland.
7. The existing house and barn, as shown on Exhibit A, shall be allowed to remain and be repaired in its current location. The existing house and barn structure shall not be expanded or replaced, except in conformance with the requirements of the Town of Cumberland Zoning Ordinance.
8. The Town agrees to relinquish its rights to prosecute Atlantic, its successors in real property interest, assigns and heirs, for any alleged violation arising from the setback or building permit disputes arising from the construction or location of the house.
9. This Consent Agreement shall be binding upon Atlantic, its successors in real property interest, assigns and heirs and it shall be duly recorded by Atlantic in the Cumberland County Registry of Deeds within thirty (30) days, with a copy of the recorded instrument to be provided to the CEO.
10. At a meeting of the Town Council on November ____, 2015, the Town approved this resolution of the alleged zoning violation based upon the terms and conditions set forth in this Agreement and authorized the CEO to sign this Consent Agreement on behalf of the Town.

IN WITNESS WHEREOF, the undersigned have executed this Agreement on the date appearing beside their names below.

Atlantic Regional Federal Credit Union

Date: November ____, 2015

By:
Its:

TOWN OF CUMBERLAND

Date: November ____, 2015

By: _____
William Longley, Its Duly Authorized
Code Enforcement Officer

STATE OF MAINE
COUNTY OF CUMBERLAND, ss.

November_____, 2015

Then personally appeared and duly authorized the above named _____,
the _____ of ATLANTIC REGIONAL FEDERAL CREDIT UNION
and acknowledged the foregoing instrument to be his/her free act and deed in his/her said
capacity and free act and deed of said Atlantic Regional Federal Credit Union.

Before me,

Notary Public/Attorney at Law
Printed Name
My Commission Expires:

STATE OF MAINE
COUNTY OF CUMBERLAND, ss.

November_____, 2015

Then personally appeared and duly authorized the above named William Longley, the
CODE ENFORCEMENT OFFICER OF THE TOWN OF CUMBERLAND and acknowledged
the foregoing instrument to be his free act and deed in his said capacity and free act and deed of
said Town of Cumberland.

Before me,

Notary Public/Attorney at Law
Printed Name
My Commission Expires:

THIS IS NOT A BOUNDARY SURVEY

This copyrighted document expires 01-27-16. Reproduction and/or dissemination after this date is unauthorized.

MORTGAGE INSPECTION OF: DEED BOOK 8223 PAGE 187 COUNTY Cumberland
PLAN BOOK --- PAGE --- LOT ---

ADDRESS: 315 Blanchard Road, Cumberland, Maine

Job Number: 871-29

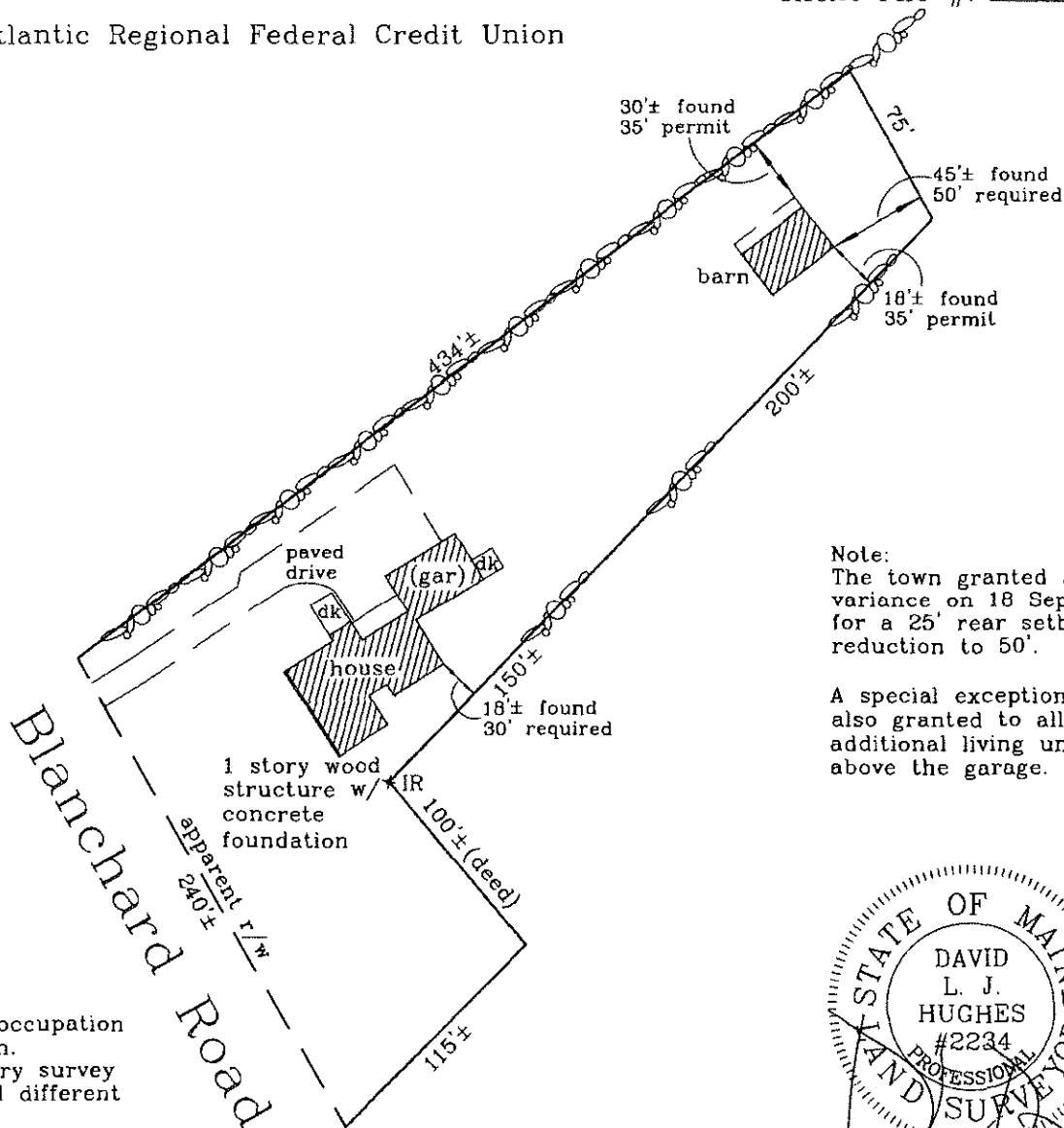
Inspection Date: 10-27-15

Scale: 1" = 80'

Client File #: 2015-989

Buyer: Hill Street Apartments, LLC

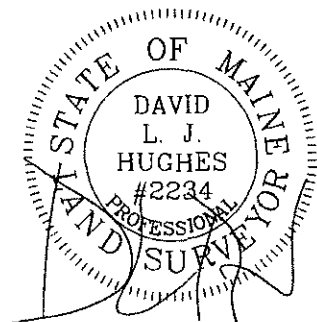
Seller: Atlantic Regional Federal Credit Union



Note:
The town granted a
variance on 18 Sept. 2003
for a 25' rear setback
reduction to 50'.

A special exception was
also granted to allow
additional living units
above the garage.

Note:
Lines of occupation
are shown.
A boundary survey
may yield different
results.



I HEREBY CERTIFY TO: Bay Area Title Services, Inc., Hill Street

Apartments, LLC and the title insurer.

Monuments found did not conflict with the deed description.

The dwelling setbacks do ~~XXX~~ violate town zoning requirements.

As delineated on the Federal Emergency Management Agency Community
Panel 230162-0015 B :

The structure does not fall within the special flood hazard zone.

The land does not fall within the special flood hazard zone.

A wetlands study has not been performed.

APPARENT EASEMENTS AND RIGHTS OF
WAY ARE SHOWN. OTHER ENCUMBRANCES,
RECORDED OR NOT, MAY EXIST. THIS
SKETCH WILL NOT REVEAL ABUTTING
DEED CONFLICTS, IF ANY.

copyright©

Livingston-Hughes

Professional Land Surveyors

88 Guinea Road

Kennebunkport, Maine 04046

207-967-9761 phone

207-967-4831 fax

www.livingstonhughes.com

THIS SKETCH IS FOR MORTGAGE PURPOSES ONLY

ITEM 15-150

To adopt the committee charge for the new
Conservation Subdivision Advisory Committee

Conservation Subdivision Advisory Committee

Proposed Charge

Council Charge:

The Conservation Subdivision Advisory Committee shall conduct the following steps in order to make recommendations to the Town Council on the advisability of adopting a Conservation Subdivision Ordinance:

1. Research and develop, with the assistance of a consultant and town staff, a draft conservation subdivision ordinance. The Committee shall take into consideration the results of an opinion survey conducted during the summer of 2015, and discussions by the Ad Hoc Land Use Advisory Committee on the subject.
2. Consider which areas of town shall be subject to the provisions of a conservation subdivision. Options include: 1) All areas of town; 2) Only areas located within a designated Growth Area as described in the 2009 Comprehensive plan, as amended; 3) Only areas within the Rural Residential 1 and 2 zones.
3. Consider whether the Conservation Subdivision ordinance should have waiver language to address unique hardships or situations specific to a proposed project.
4. Determine if the current cluster subdivision ordinance provisions are sufficient to protect the rural character of the town or whether a more restrictive ordinance is needed.

The Committee shall be comprised of 5 members of the community and one (non-voting) liaison each from the Planning Board and Town Council.

The Committee shall report its findings and recommendations to the Town Council no later than April 30, 2016.

ITEM 15-151

To hold a Public Hearing to consider and act on amendments to
the Town Center Growth Area and proposed zone changes as
recommended by the Planning Board

KENNETH M. COLE III
DAVID J. JONES
RICHARD H. SPENCER, JR.
LAWRENCE R. CLOUGH
RONALD A. EPSTEIN
WILLIAM H. DALE
F. BRUCE SLEEPER
DEBORAH M. MANN
LESLIE E. LOWRY III
PATRICIA M. DUNN
MICHAEL J. QUINLAN
R. LEE IVY

ROGER P. ASCH
NATALIE L. BURNS
SALLY J. DAGGETT
ROY T. PIERCE
BRENDAN P. RIELLY
NICHOLAS J. MORRILL
MARK A. BOWER
CHARLES M. KATZ-LEAVY
MARCIA G. CORRADINI
ALYSSA C. TIBBETTS
J. CASEY MCCORMACK
TUDOR N. GOLDSMITH

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P.O. BOX 4510
PORTLAND, MAINE 04112-4510
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MERTON G. HENRY
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BRIAN C. BROWNE
OF COUNSEL

RAYMOND E. JENSEN
(1908-2002)
KENNETH BAIRD
(1914-1987)
M. DONALD GARDNER
(1918-2003)

YORK COUNTY
OFFICE
11 MAIN STREET, SUITE 4
KENNEBUNK, MAINE 04043
(207) 985-4676 (Phone)
(207) 985-4932 (Fax)

VIA EMAIL

November5, 2015

Carla Nixon, Town Planner
Town of Cumberland
290 Tuttle Road
Cumberland, Maine 04021

Re: Designation of Growth Areas in the Comprehensive Plan

Dear Carla:

This will confirm our telephone conversation regarding the Town's current work in revising the Comprehensive Plan, including the requirements of the Growth Management Act and the interrelationship of the Town's Comprehensive Plan and its (**Growth Permit regulations**).

1. Maine's Growth Management Act. Under the provisions of Maine's Growth Management Act (30-A M.R.S.A. §§ 4321-4328), each municipality is authorized to adopt and amend local growth management programs, including comprehensive plans and implementation programs. Comprehensive plans must address the State's goals established in 30-A M.R.S.A. § 4312. One of these goals is to "encourage orderly growth and development in appropriate areas of each community and region while protecting the State's rural character, making efficient use of public services and preventing development sprawl." If a municipality prepares its growth management plan with the assistance of a planning grant from the State, it must submit its plan to the Department of Agriculture, Conservation and Forestry for review for review of consistency with the requirements of the Growth Management Act. Otherwise, a municipality may request that the Department issue a certificate of consistency. The Department's determination of consistency is valid for 12 years from the date of issuance. If a municipality amends its growth management program after certification, it may, but is not required, to submit the proposed amendment to the Department prior to adoption. The municipality is required to file a copy of any proposed amendment within 30 days of the adoption.

It should be noted that certification is not required to ensure that a zoning ordinance is consistent with the comprehensive plan. Consistency is a legal determination that will be made by the courts. Absent a request for planning grants, certification is a voluntary process.

Jensen Baird
Gardner Henry

November 5, 2015
Page 2

2. Identification of growth areas. You asked whether the designation of areas as “growth areas” in the Comprehensive Plan would then oblige the Town to rezone those identified areas to allow greater density. This issue has been discussed in court decisions. The rule established in *Adelman v. Town of Baldwin*, 2000 ME 91, 750 A.2d 577, is that if a comprehensive plan uses permissive words such as “should” rather than mandatory words such as “must” or “shall,” then the comprehensive plan cannot be viewed as requiring or prohibiting any specific action. This rule was also discussed in a Cumberland County Superior Court case, *ALC Development Corp. v. Town of Scarborough*, decided in 2003. In that case, Scarborough had rezoned property for a higher density development, but the rezoning was reversed to a rural classification as the result of a referendum vote. While the town’s comprehensive plan included some permissive words, it also contained a requirement for revision of the zoning within two years to comply with the proposals. For that reason, the Court determined that the referendum vote returning the zoning to a more rural classification was not consistent with the comprehensive plan.

Based upon the decision in *Adelman*, the Town may want to consider establishing areas that “may” or “should” be considered as potential future growth areas. In that manner, the Town may create such areas at whatever time that it wishes to do so, or it may leave the existing zoning as is. In order to avoid the issue in the *ALC Development* case, there should be no time frames established so that implementation will remain fully discretionary.

3. Rate of growth ordinances. 30-A M.R.S.A. § 4314 requires that rate of growth ordinances, in addition to zoning (other than shoreland zoning) and impact fee ordinances must be consistent with the terms of the Comprehensive Plan. In addition, under the requirements of 30-A M.R.S.A. § 4360, the Town must recalculate the number of building or development permits allowed for new residential units every three years. While the Town may expand growth areas and still maintain the growth permit system based upon the concerns about school capacity, it could also consider having one set of permits assignable to growth areas and another to non-growth areas, with different numbers for the two sets.

Please let me know if you have any questions. Thank you.

Sincerely,

Natalie L. Burns

cc: William Shane, Town Manager (via email)

Growth Area Map

March 2015

LandUseZoning

Zone_

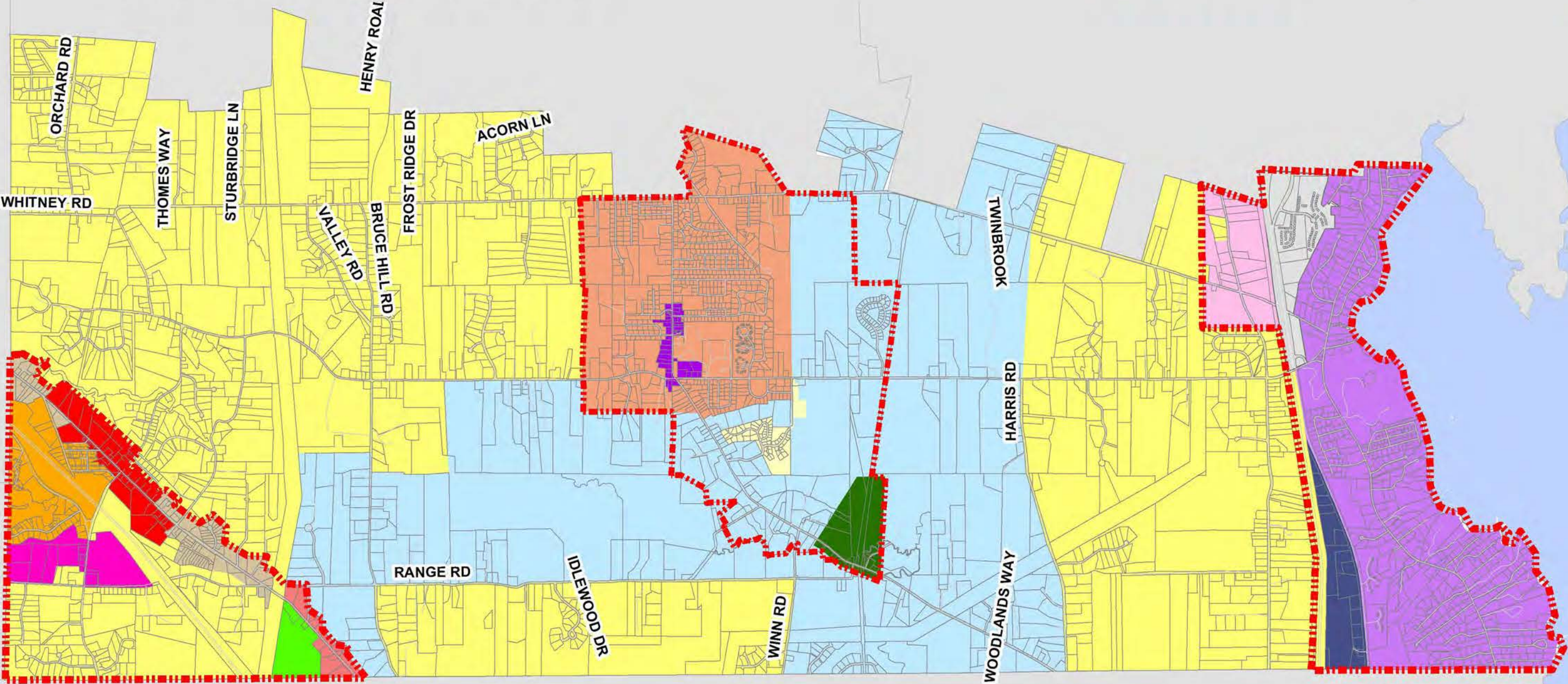
- Town Center District (TCD)
- Industrial (I)
- Rural Industrial (RI)
- Highway Commercial (HC)
- Office Commercial-North (OC-N)

- Office Commercial-South (OC-S)
- Village Center Commercial (VCC)
- Village Office Commercial 1 (VOC1)
- Village Office Commercial 2 (VOC2)
- Village Mixed Use (VMU)
- Mixed Use (MU)
- Rural Residential 1 (RR1)

- Rural Residential 2 (RR2)
- Medium Density Residential (MDR)
- Village Medium Density Residential (VMDR)
- Low Density Residential (LDR)
- Island Residential (IR)



3,000 1,500 0 3,000 Feet



First Tracks Investments, LLC

42 Market Street
Portland, ME 04101

Tel (207) 774-1000 | Fax (207) 774-2946

June 19, 2015

Carla Nixon, Town Planner
Town of Cumberland
290 Tuttle Road
Cumberland, ME 04021

RE: Proposed Growth Area Boundaries

Dear Ms. Nixon:

I write today as a Cumberland resident and on behalf of First Tracks Investments, LLC ("First Tracks") to submit comments related to the Report of the Ad Hoc Land Use Advisory Committee and any expected action by the Planning Board and Council.

First Tracks acquired the farm on Winn Road in 2010 and, as our neighbors have seen over the past few years, we have tried to restore the property, investing in the residences on the land, rebuilding the iconic Winn Road barn and the former stockyard on Cross Road, and re-fencing the property. Additionally, we have tried to help restore the land's agricultural heritage – we presently have a 90-head herd of beef cattle and haying operations on site.

We are considering other improvements to the property, including substantial repairs to the historic Winn Road Schoolhouse, and other agricultural operations, such as a permanent cooperative farmers' market. However, we always understood we were part of the town's "Growth Area" under the 2009 Comprehensive Plan. Located between Route 9 and the Falmouth Country Club and bounded by the railway, including First Tracks' property in the growth area made sense.

As the Planning Board and Council decide upon the town's next comprehensive plan, we would ask the Town Center "Growth Area" boundary proposed by the Ad Hoc Committee be extended to include our parcels understood to be included in the growth area under the existing plan. We have no plans to develop our property at this time, but merely ask for consistency in treatment from one comprehensive plan to the next.

We would appreciate it if you would provide a copy of this letter to the Council, Planning Board, Town Manager, and any other interested party. I am happy to meet with you or attend any hearings or workshops – our goal is to simply remain good neighbors and maintain our status under the existing comprehensive plan.

As the Ad Hoc Committee's survey showed, Cumberland is a great town and everything is going "just about right." Thank you for your time and consideration, and please do not hesitate to contact me with any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "M. Cianchette", with a long horizontal flourish extending to the right.

Michael J. Cianchette
33 Winn Rd, Cumberland
on behalf of First Tracks Investments, LLC

ITEM 15-152

To hold a Public Hearing to consider and act on accepting
Drowne Road, Wyman Way and Beach Drive as public roads



MEMORANDUM

TOWN OF CUMBERLAND, MAINE
290 TUTTLE ROAD
CUMBERLAND, MAINE 04021
TEL: 207-829-2205 FAX: 829-2224

To: Town Council
From: William R. Shane, Town Manager
Date: November 4, 2015
Re: Financial Impact Statement for Drowne Road & Wyman Way & Beech Drive

Chapter 200 – Article III *Road Acceptance* of the Town Code requires all new subdivision roads being brought before the Town Council for consideration to be accepted as a Municipal Road be reviewed by the Town Attorney and the Finance Committee prior to a public hearing before the Town Council.

The Town Attorney has reviewed and approved all requirements of the ordinance.

The Fiscal Impact is as follows:

Annual Maintenance – **Wyman Way** - summer & winter maintenance is \$15,000 per mile. This road is approximately 0.24 miles in length. **Annual Maintenance = \$ 3,600**

Annual Capital Costs for Future Paving = \$150,000 per mile / 15 years = **\$2,400 Capital**

Annual Maintenance – **Drowne Road** - summer & winter maintenance is \$15,000 per mile. This road is approximately 0.28 miles in length. **Annual Maintenance = \$ 4,200**

Annual Capital Costs for Future Paving = \$150,000 per mile / 15 years = **\$2,800 Capital**

Annual Maintenance – **Beech Drive** - summer & winter maintenance is \$15,000 per mile. This road is approximately 0.36 miles in length (only 50% paved) **Annual Maintenance = \$ 5,200**

Annual Capital Costs for Future Paving = \$150,000 per mile / 15 years = **\$1,900 Capital**

MAINTENANCE BOND

BOND NUMBER: 260125S

KNOW ALL MEN BY THESE PRESENTS That we, 179 FORESIDE, LLC as Principal, and COREPOINTE INSURANCE COMPANY, a corporation duly organized under the laws of the State of MICHIGAN and licensed to transact business in the State of Maine, as surety, are held and firmly bound unto the TOWN OF CUMBERLAND, ME as Obligee, in the penal sum of FIFTEEN THOUSAND AND NO/100 DOLLARS (\$15,000.00), lawful money of the United States of America, for payment which, well and truly to be made, Principal and Surety bind themselves, their legal representatives, successors or assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal entered into a contract with the said Obligee for the maintenance of the road known as BEACH DRIVE, 179 FORESIDE ROAD, CUMBERLAND FORESIDE, MAINE.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION is such that if the Principal shall remedy, without cost to the Obligee, any defects caused by defective or inferior materials or workmanship, which may develop during a period of TWO (2) year(s) from the date of acceptance of the above-mentioned roads by Obligee, on or after November 9, 2015, then this obligation shall be void; otherwise it shall be and remain in full force and effect.

Any suit under this bond must be instituted before the expiration of TWO (2) years from completion of the maintenance period. No right of action shall accrue on this bond to or for the use of any person or corporation other than the Obligee named herein of the heirs, executors, administrators or successors of the Obligee.

Signed, sealed and dated this 20th day of OCTOBER, 2015.

179 FORESIDE, LLC

BY:


Nathan Bateman Member (Name/Title)

COREPOINTE INSURANCE COMPANY

BY:


MELANIE A. BONNEVIE, Attorney-in-Fact

MAINTENANCE BOND

BOND NUMBER: 260126S

KNOW ALL MEN BY THESE PRESENTS That we, VILLAGE GREEN CUMBERLAND, LLC as Principal, and COREPOINTE INSURANCE COMPANY, a corporation duly organized under the laws of the State of MICHIGAN and licensed to transact business in the State of Maine, as surety, are held and firmly bound unto the TOWN OF CUMBERLAND, ME as Obligee, in the penal sum of THIRTY THOUSAND AND NO/100 DOLLARS (\$30,000.00), lawful money of the United States of America, for payment which, well and truly to be made, Principal and Surety bind themselves, their legal representatives, successors or assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal entered into a contract with the said Obligee for the maintenance of the road known as DROWNE ROAD AND WYMAN WAY, VILLAGE GREEN, CUMBERLAND CENTER, MAINE,

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION is such that if the Principal shall remedy, without cost to the Obligee, any defects caused by defective or inferior materials or workmanship, which may develop during a period of TWO (2) year(s) from the date of acceptance of the above-mentioned roads by Obligee, on or after November 9, 2015, then this obligation shall be void; otherwise it shall be and remain in full force and effect.

Any suit under this bond must be instituted before the expiration of TWO (2) years from completion of the maintenance period. No right of action shall accrue on this bond to or for the use of any person or corporation other than the Obligee named herein of the heirs, executors, administrators or successors of the Obligee.

Signed, sealed and dated this 20th day of OCTOBER, 2015.

VILLAGE GREEN CUMBERLAND, LLC

BY: Nathan Byington (Name/Title)

COREPOINTE INSURANCE COMPANY

BY: Melanie A. Bonnevie
MELANIE A. BONNEVIE, Attorney-in-Fact

October 23, 2015

15042

20151023 Final Inspection.doc

William Shane, P.E.
Town Manager
Town of Cumberland
290 Tuttle Road
Cumberland, Maine 04021

Subject: Final Road Inspection for Beach Drive
Spears Hill Subdivision
Foreside Road (Route 88), Cumberland, Maine

Dear Mr. Shane:

As requested, SME has completed the final site inspection for the construction of Beach Drive off Route 88 in Cumberland, Maine. SME visited the site on October 22, 2015 to review the completed construction work. Specifically, we observed construction of the roadway, the drainage and other site features as shown on the plans dated December 8, 2014, provided by the Fay, Spofford & Thorndike. The following observations and punch list items were noted during that visit:

1. It did not appear that monuments had been set along the road Right of Way as shown on the required by Chapter 200 ROADS AND PUBLIC PROPERTY Part 200-18.B;
2. Temporary erosion control measures (silt fence and sediment berm) remain in place and should be removed upon final stabilization.
3. The temporary access road along the utility corridor has not been removed and the area reclaimed yet.
4. Apparent construction debris (sections of old small diameter pipe) has not been removed around STA 19+50 and 20+00.
5. It appears that a sinkhole has developed around STA 16+00 in an area that has been taped off.
6. Sections of the reclaim asphalt from STA 16+00 to 18+00 appear to have sediment tracked onto the surface.
7. Erosion is evident at the road shoulder between STA 6+00 to STA 8+00 on either side of Beach Drive. It does not appear that the "DITCH TURNOUTS" shown on the plans at STA 6+15, STA 6+80 and STA 7+30 were graded into the roadside slopes.

8. Shoulder erosion is evident between Beach Drive and the sidewalk that extends into the site from Route 88.
9. The north edge of the roadside slopes from STA 0+50 to STA 1+50 have not been mulched or vegetated.
10. Catch basins 1 and 2 have not yet been cleaned of construction sediment.
11. There is sediment built up near the inlet grate to catch basin 1 that should be removed.

With the exception of the items noted above, it is the opinion of Sevee & Maher Engineers, Inc. that Castle Rock Drive has been constructed in accordance with the approved plans and applicable Town standards.

If you have any questions, please do not hesitate to contact us.

Very truly yours,

SEVEE & MAHER ENGINEERS, INC.



Daniel P. Diffin, P.E., LEED AP BD+C

Attachments

cc: Chris Bolduc – Public Services Director



PO Box 1237, 15 Shaker Road
Gray, Maine 04039
207.657.6910

November 3, 2015

Mr. William R. Shane, PE
Town Manager
Town of Cumberland
290 Tuttle Road
Cumberland, ME 04021

Subject: Roadway Acceptance
Drowne Road & Wyman Way
Cumberland, Maine

Dear Bill,

As requested, our office has performed a defect review of the construction of Drowne Road and a portion of Wyman Way within the Village Green Subdivision, to determine if the roads are ready for acceptance as Town Roads.

Our office has only reviewed the following portions of roadways for acceptance (Based upon design plan created by DeLuca Hoffman Associates dated January 2012:

- Wyman Way from Station 0+00 at Route 9 to Station 12+85 at the intersection of Drowne Road.
- Drowne Road from Station 30+00 to Station 44+87.

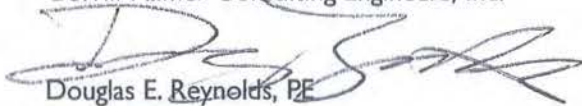
This letter shall serve as a certification that the roadway development and construction has been completed in substantial conformance with the approved subdivision approval and supporting plans, with the following 2 exceptions as of the date of this letter:

1. Permanent Speed Table Striping needs to be completed.
2. Add Loam and Seed to a number of locations due to the installation of driveway aprons.

Upon completion of these items, the specified sections of roadways will be considered complete and be ready for acceptance by the Town of Cumberland.

Please contact our office with any questions.

Sincerely,
Gorrill-Palmer Consulting Engineers, Inc.



Douglas E. Reynolds, PE
Project Manager

DER/1636.29/Corr Out/Shane 11-2-15.doc

WARRANTY and DRAINAGE MAINTENANCE AGREEMENT

This Agreement is made and entered into this 4th day of November, 2015, by and between VILLAGE GREEN CUMBERLAND, LLC, a Maine limited liability company with a place of business in Portland, Maine and a mailing address of P.O. Box 3572, Portland, Maine 04104 (hereinafter "Village Green"), and the TOWN OF CUMBERLAND, a municipal corporation with a mailing address of 290 Tuttle Road, Cumberland, Maine 04021 (hereinafter the "Town"), for and in consideration of the acceptance of the following real property as a public road by the Town of Cumberland, being the same real property conveyed by Village Green to the Town by deed dated _____ and recorded in the Cumberland County Registry of Deeds in Book _____, Page _____ (hereinafter the "Road"), and more particularly described as:

A certain lot or parcel of land on the easterly side of Main Street, also known as Route 9, in the Town of Cumberland, County of Cumberland and State of Maine, being a sixty (60) foot wide strip of land shown as "Wyman Way (60' Wide Public R.O.W.)" and as "Drowne Road (60' Wide Public R.O.W.)" on a plan entitled "Village Green, Cumberland, Maine Final Subdivision Plan", by DeLuca-Hoffman Associates, Inc. and Titcomb Associates, Inc., approved by the Town of Cumberland Planning Board, dated May 2011, revised as of September 13, 2011, recorded in the Cumberland County Registry of Deeds in Plan Book 211, Page 345, as amended by "Village Green, Cumberland, Maine Final Amended Subdivision Plan" dated May 2011, revised as of January 5, 2012, approved by the Town of Cumberland, recorded in the Cumberland County Registry of Deeds in Plan Book 212, Page 18.

1. Drainage Maintenance.

Village Green hereby agrees to maintain the drainage facilities in the Road, as further defined herein, within the above described property. For purposes of this agreement, "drainage facilities" shall include detention or retention pond(s) and stormwater grates located within or immediately adjacent to the detention or retention pond(s). Village Green agrees to maintain, repair defects and remove obstructions in the drainage facilities to ensure that the hydraulic capacity and structural soundness of the drainage facilities remain intact. Village Green agrees to keep the detention or retention pond(s) clear of debris, trash, excessive sediment accumulation, overgrowth and other obstructions, inspected and mowed on a regular basis, and to repair erosion and maintain or remove vegetation as needed. Village Green agrees to inspect on a regular basis and keep clear of debris, trash and sediment accumulation all stormwater grates located within or immediately adjacent to the detention or retention pond(s).

The foregoing maintenance obligations shall be in addition to any and all conditions of drainage maintenance and stormwater management that have been or are at any time in the future imposed by state and/or federal agencies with jurisdiction regarding the same including, but not limited to, the United States Environmental Protection Agency, the Maine Department of Environmental Protection and the Cumberland County Soil and Water Conservation District.

Village Green agrees to perform maintenance or repair obligations under this section on an ongoing and as needed basis, but in no event shall maintenance or repair occur later than thirty (30) days after Village Green receives notice from the Town of Cumberland regarding the need for maintenance or repair of drainage facilities. The cost of all such maintenance and repair under this Agreement shall be borne solely by Village Green.

2. Warranty.

Village Green hereby agrees to guarantee the roadways, storm drainage system and sidewalks free from defects and failures in materials and workmanship, and to maintain the improvements, at a minimum, to meet the street design and construction standards set forth in Article VI of Chapter 250 of the Cumberland Code. This guarantee shall be valid for a period of two years following the Town's acceptance of the Road under warranty (the "Warranty Period"). Village Green shall provide financial security in the form of an irrevocable letter of credit or a performance and payment bond underwritten by an acceptable surety in an amount equal to 10% of the value of the performance guarantee required prior to construction of the Road. In the event of a defect in materials or workmanship occurring within two years of the acceptance of the Road by the Town, the Town will conduct all necessary repairs and draw funds from the security as needed to correct said defects during the warranty period.

3. Successors.

This agreement shall bind Village Green only so long as it retains any interest in the above described Village Green Subdivision, and shall run with the land and be binding upon the Village Green Homeowner's Association, upon and after title to the common areas within the Village Green Subdivision passes from Village Green to the said Village Green Homeowner's Association.

Dated this 4th day of November, 2015.

[SIGNATURE PAGE TO FOLLOW]

WITNESS:

VILLAGE GREEN CUMBERLAND, LLC
By Bateman Investments, LLC
Its Manager

Alice Meagher

Nathan Bateman
Nathan Bateman
Its Member and Manager

State of Maine
County of Cumberland, ss.

10/27, 2015

Personally appeared before me the above named Nathan Bateman, Member and Manager of Bateman Investments, LLC, Manager of Village Green Cumberland, LLC and acknowledged the foregoing instruments to be his free act and deed in said capacity and the free act and deed of said entities.

ALICE J. MEAGHER
Notary Public, Maine
My Commission Expires March 10, 2018

Alice J. Meagher
Notary Public/Attorney at Law
Print Name: Alice J. Meagher
My Commission Expires: 3/10/18

WITNESS:

Laura Moore

ACCEPTED BY:
TOWN OF CUMBERLAND

William R. Shane
William R. Shane
Town Manager

State of Maine
County of Cumberland, ss.

November 4, 2015

Personally appeared before me the above named William R. Shane, Town Manager of the Town of Cumberland, and acknowledged the foregoing instruments to be his free act and deed in said capacity and the free act and deed of the Town of Cumberland.

Brenda L. Moore
Notary Public/Attorney at Law
Print Name: BRENDA L. MOORE
My Commission Expires June 14, 2021
Notary Public, Maine

Article III: Road Acceptance

[Adopted 6-4-2012]

§ 200-14 Title, purpose and authority.

- A. Title. This article shall be known and may be cited as the "Municipal Road Acceptance Ordinance of the Town of Cumberland, Maine."
- B. Authority. This article is adopted pursuant to 30-A M.R.S.A. § 4401.
- C. Purpose. The purpose of this article is to provide a uniform, consistent, and equitable process for the dedication and acceptance of municipal roads and to ensure that the cost of the acceptance of new roads and associated infrastructure by the Town does not create a financial burden for the Town.

§ 200-15 Definitions.

As used in this article, the following terms shall have the meanings indicated:

APPLICANT

A developer, one or more individuals, a corporation, a homeowners' association, or other legal entity which owns the fee simple interest in the land area proposed to be dedicated and accepted by the Town of Cumberland as a public road.

PRIVATE ROAD

A road privately owned and maintained over which the owner may restrict use or passage, to include a discontinued way even if a public recreation easement has been reserved.

PUBLIC ROAD

A road owned and maintained by the state, county or Town over which the general public has a right to pass.

ROAD

A route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles.

§ 200-16 Applicability.

The provisions of this article shall apply to all roads offered for public acceptance in the Town of Cumberland, whether within subdivisions or not.

§ 200-17 Application process. ^[1]

An application with an application fee established by order of the Town Council and supporting documentation shall be submitted by the applicant to the Public Services Director. The applicant shall be responsible for payment of all costs incurred by the Town in the application review and consideration process, and the application fee shall be applied to the total cost owed. Documentation shall include the information listed in the following sections.

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I). See Ch. 84, Fees and Fines.*

§ 200-18 Technical requirements.

- A. Conformance with Subdivision Ordinance. A private road proposed for acceptance as a public road shall be built to the standards in Article VI, Street Design and Construction Standards, of Chapter 250, Subdivision of Land, of this Code prior to an application being filed for road acceptance. Only roads built in accordance with these standards shall be considered for acceptance by the Town Council.

- B. Monumentation. The applicant's project surveyor shall provide a certificate that all monuments for the road, easements, lot boundary lines and subdivision boundary lines have been set as required by the approved subdivision plan. Monuments shall extend six inches above grade and be six inches by six inches wide by 4.5 feet in length.
- C. Plot plan. A plot plan of the proposed public road at a scale of not more than 100 feet to one inch, including ownership of adjoining lots, drainage courses, drainage easements, and all angles, bearings, and radii, shall be provided.^[1]
 [1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*
- D. Legal description. The applicant's project surveyor shall provide a metes and bounds legal description of the proposed right-of-way and any associated drainage easements. This description must be a full perimeter description in each case; a description by reference to plan or center-line description will not be accepted.
- E. Road cross section. A typical cross section of the proposed public road at a horizontal scale of five feet to one inch and a vertical scale of one foot to one inch shall be provided.^[2]
 [2] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*
- F. Drainage maintenance. The applicant shall be responsible for the maintenance of all detention ponds and drainage infrastructure for the proposed public road.
- G. Planning Board conditions. The applicant shall provide a written letter stating that all conditions of approval by the Cumberland Planning Board have been met. A letter confirming this shall be provided by the Town Engineer or Town Planner.
- H. Location within right-of-way. The applicant's project surveyor shall certify that the roadway and its appurtenances as built lie within the proposed right-of-way, and similarly that the drainage structures as built lie within their respective easements.
- I. Documentation verification. All required documentation as described in this section shall be reviewed and approved by the Cumberland Town Planner, the Cumberland Town Engineer, or the Public Services Director, as may be appropriate.
- J. Occupancy requirement. Prior to an application for public road acceptance, at least 75% of the lots must have received occupancy permits.

§ 200-19 Legal requirements.

- A. Warranty deed. Once the proposed legal description has been reviewed and approved by the Town Attorney, the applicant shall prepare a warranty deed suitable for recording at the Cumberland County Registry of Deeds. This deed shall include a signature block for the Town Manager to indicate the Town's acceptance of the conveyance. The Town Attorney shall record the final warranty deed at the Cumberland County Registry of Deeds after acceptance by the Town Council.
- B. Encumbrances. The applicant shall provide a letter from its attorney certifying that the applicant has good and marketable title to the property on which the proposed public road will be located and that there are no encumbrances on the property. The applicant shall provide lien release notices for all contractors, engineers, subcontractors, and major suppliers (over \$10,000).
- C. Utilities. The applicant shall prepare all utilities and easements for acceptance and recording to be approved by the respective utility company, including but not limited to water, sewer, electric, cable, and telephone.
- D. Drainage maintenance agreement. The applicant shall provide a recordable drainage maintenance agreement approved by the Town and that meets all conditions imposed by outside agencies such as the Maine Department of Environmental Protection and Cumberland County Soil and Water Conservation District.

§ 200-20 Warranty agreement.

- A. Warranty agreement required. The applicant shall provide a written warranty for a period of two years after the acceptance of the public road by the Town of Cumberland. The warranty shall state that the applicant will be financially

responsible for the repair of any defects in materials or workmanship that cause the road to fall below the street design and construction standards as set forth in Article VI of Chapter 250, Subdivision of Land, of this Code.

- B. Maintenance letter of credit. In addition to the written warranty, the applicant shall provide the Town of Cumberland with a letter of credit for the repair of defects in materials or workmanship for a period of two years after acceptance of the road. The letter of credit shall be for an amount equal to 10% of the value of the performance guarantee required prior to construction of the road.
- C. Repair of defects. In the event of a defect in materials or workmanship occurring on a public road within two years of its acceptance, the Town will conduct all necessary repairs. The cost of repair will be attributable to the warranty agreement provided by the applicant and drawn directly from the applicant's letter of credit.

§ 200-21 Inspection.

The Public Services Director and Town Engineer shall inspect the proposed public road for compliance with the street design and construction standards of Chapter 250, Subdivision of Land, of this Code. The applicant shall schedule a final on-site inspection with the Town Engineer who shall provide a final inspection letter to the Town Manager. Final roadway inspection and approval by the Town Engineer and Public Services Director will include inspection of the drainage structures and appurtenances and a site inspection to ensure the project has been constructed in accordance with the approved subdivision plans.

§ 200-22 Review and approval requirements.

- A. Review and recommendation by the Town Council Finance Committee. The Finance Committee shall review the fiscal impact of the proposed public road and make recommendations to the Town Council.
- B. Review by Municipal Attorney. The Municipal Attorney shall review the application, dedication, and supporting documentation for the proposed public road and report to the Town Council.
- C. Review by the Town Council. The Town Council shall review and act upon the application, dedication, and supporting documentation for the proposed public road. The final decision as to whether to accept a road remains within the legislative discretion of the Town Council.

§ 200-23 Records and filing requirements.

- A. The applicant shall provide two paper copies of detailed drawings of the project as built. Information to be included: the as-built location, size, and materials of water and sewer mains, storm drains, culverts, and underground and overhead utilities.
- B. The applicant shall provide an electronic file for the as-built project in the most recent version of AutoCAD. Information to be included: the as-built location, size, and materials of water and sewer mains, storm drains, culverts, and underground and overhead utilities.

ITEM 15-153

To set a Public Hearing date of November 23rd to consider and act on
the 2016 Shellfish License allocations, as recommended by the
Shellfish Conservation Commission

ITEM

15-154

To set a Public Hearing date of November 23rd to consider and act on
authorizing the Town Manager to execute a winter maintenance
agreement with Castle Rock Drive

ITEM 15-155

To set a Public Hearing date of November 23rd to consider and act on draft zoning amendments to Section 315-71 F (Residential Care Facilities) of the Cumberland Code, as recommended by the Planning Board

Notice of Decision

Date: October 21, 2015

To: William Shane, Town Manager
Town of Cumberland
290 Tuttle Road
Cumberland, ME 04021

RE: Public Hearing: To recommend to the Town Council draft zoning amendments to §315-71 F – Residential Care Facilities of the Cumberland Code. §315-71 F – Reserved Units. A proposed residential care facility with 25 or more dwelling units or independent rooms shall be required to reserve at least 10% of its units to lower-income people.....

This is to advise you that on October 20, 2015 the Planning made the following Recommendations:

§315-71 F – Reserved Units. A proposed residential care facility with 25 20 or more dwelling units or independent rooms shall be required to reserve at least 10% of its units to lower-income people. .

"Lower income" is defined as the full range of incomes at or below 80% of the median household income as determined by the Department of Economic and Community Development. Any applicant seeking a variance from the requirement of this subsection must, in addition to the other variance standards under this chapter, demonstrate that the Town has achieved a level of 10% or more of new residential development, including units in residential care facilities, based on the most recent five-year historical average of residential development in the Town, which meets the definition of housing for lower-income persons as defined herein.

Standard Conditions of Approval

This approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted by the applicant. Any variation from the plans, proposals and supporting documents, except minor changes as so determined by the Town Planner which do not affect approval standards, is subject to review and approval of the Planning Board prior to implementation.

Cumberland Planning Board

Christopher S. Neagle, Board Chair

NEW BUSINESS

**JENSEN·BAIRD
GARDNER·HENRY**

Attorneys at Law

www.jbgh.com

Bill:

Please find my most
sincere thanks to the Council
& other municipal officials for
the lovely lamp + 44 years of
enjoyable representation.
Special thanks to you + Tammy
for being my favorite clients
Best,
Bill

REVENUES



Financials, Revenue & Citizen Services and Human Capital Management



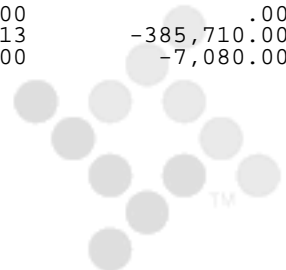
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TOWN OF CUMBERLAND HISTORICAL ACTUALS COMPARISON REPORT

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FOR PERIOD 04 OF 2016

ACCOUNTS FOR:	PRIOR YR3	PRIOR YR2	LAST YR	CURRENT YR	CY REV
001 General Fund	ACTUALS	ACTUALS	ACTUALS	ACTUALS	BUDGET
<hr/>					
0011 Tax Revenues					
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0011 0303 Motor Vehicle Excise Tax	-507,907.30	-562,820.02	-612,803.92	-642,865.17	-1,480,000.00
0011 0304 Boat Excise Tax	-2,088.50	-2,604.60	-1,555.80	-2,427.90	-10,000.00
0011 0326 Tax Commitment	-18,677,641.29	-19,507,606.00	-20,399,494.92	-23,209,273.43	.00
0011 0328 Outer Islands Property Tax	-20,232.32	-20,783.21	.00	-19,944.63	-40,000.00
0011 0329 Payment in Lieu of Taxes	.00	-11,556.00	-14,328.00	-14,804.00	-23,793.00
TOTAL Tax Revenues	-19,207,869.41	-20,105,369.83	-21,028,182.64	-23,889,315.13	-1,553,793.00
0012 License & Permit Revenues					
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0012 0311 Hunting & Fishing License	-123.00	-158.25	-180.75	-140.75	-600.00
0012 0312 Marriage Lic & Vital Records	-1,157.60	-1,088.40	-1,305.80	-1,055.00	-1,900.00
0012 0313 Birth Certificates	-502.20	-666.20	-427.40	-437.00	-365.00
0012 0314 Death Certificates	-581.20	-331.20	-459.80	-365.40	-1,000.00
0012 0315 Clerk Licenses	-546.00	-1,200.00	-1,205.00	-1,310.00	-4,500.00
0012 0316 Shellfish Licenses	-7.14	-37.85	-32.14	.00	-3,000.00
0012 0317 Conservation Fees	-2.86	-13.15	-12.86	.00	-500.00
0012 0334 Snowmobile Reg	-4.00	-3.00	-6.00	-4.00	-200.00
0012 0361 Auto Reg. Fees	-7,089.00	-7,574.00	-7,456.00	-7,309.00	-21,000.00
0012 0362 Boat Reg. Fees	-119.00	-485.60	-466.40	-139.00	-500.00
0012 0366 Building Permits	-44,188.03	-30,999.72	-37,415.82	-31,452.10	-70,000.00
0012 0367 Electrical Permits	-4,910.73	-8,767.08	-7,856.65	-7,050.50	-18,000.00
0012 0368 Plumbing Permits	-7,018.50	-8,981.00	-10,088.75	-5,853.73	-18,000.00
0012 0369 Other Permits	-500.00	-775.00	-1,050.00	-350.00	-2,500.00
0012 0383 Agent Fees-Moses	.00	-4.00	-2.00	.00	.00
0012 0398 Application Fee	-600.00	-233.33	-300.00	-255.56	-1,000.00
0012 0401 Dog Licenses	-325.00	-861.00	-129.00	-131.00	-3,000.00
0012 0404 Commercial Haulers License	-200.00	.00	.00	-200.00	-600.00
TOTAL License & Permit Revenue	-67,874.26	-62,178.78	-68,394.37	-56,053.04	-146,665.00
0013 Intergovernmental Revenues					
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0013 0327 Homestead State Reimb	-161,558.14	-119,408.00	-81,770.00	-128,242.00	.00
0013 0331 State Revenue Sharing	-202,624.71	-140,585.42	-112,133.52	-160,322.13	-385,710.00
0013 0332 Park Fee Sharing	.00	.00	.00	.00	-7,080.00



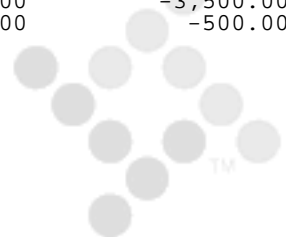
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TOWN OF CUMBERLAND
HISTORICAL ACTUALS COMPARISON REPORT

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FOR PERIOD 04 OF 2016

ACCOUNTS FOR:	PRIOR YR3	PRIOR YR2	LAST YR	CURRENT YR	CY REV
001 General Fund	ACTUALS	ACTUALS	ACTUALS	ACTUALS	BUDGET
0013 0335 DOT Block Grant	-20,418.00	.00	.00	.00	-62,592.00
0013 0337 State Grant revenue	.00	.00	-2,673.74	.00	.00
0013 0338 Federal Grants	.00	.00	-10,000.00	.00	.00
0013 0341 North Yarmouth Recreation Shar	-12,588.25	-12,589.00	-8,976.00	-1,822.00	-7,355.00
0013 0342 North Yarmouth Library Share	-32,819.00	-32,819.00	-35,345.00	-36,488.00	-145,952.00
0013 0347 North Yarmouth Channel 2	.00	-550.00	-636.00	-637.00	-2,674.00
0013 0348 ACO Sharing Payments	-1,050.00	-1,125.00	.00	.00	.00
0013 0397 Windham-Fire & Rescue	.00	.00	.00	.00	-3,900.00
0013 0509 Regional Assessing	-19,496.00	.00	.00	.00	.00
TOTAL Intergovernmental Revenue	-450,554.10	-307,076.42	-251,534.26	-327,511.13	-615,263.00
0015 Other Revenues					
0015 0305 Interest & Penalties	-7,093.81	-12,044.24	-3,744.92	-4,333.79	-40,000.00
0015 0306 Over/Short	86.18	-134.12	-93.19	7.22	-100.00
0015 0364 Growth Permits	-1,200.00	-2,200.00	-2,300.00	-1,700.00	-2,000.00
0015 0365 Board of Appeals	-100.00	.00	.00	-100.00	-100.00
0015 0379 Investment Earnings	-663.93	-55.42	-116.10	1,040.88	.00
0015 0381 Building Rentals	.00	.00	.00	.00	-500.00
0015 0382 Sale of Assets	.00	-550.00	-2,100.00	.00	-25,000.00
0015 0390 Misc. Revenue	-1,710.50	-1,252.90	-35,162.73	-1,286.15	-38,000.00
0015 0399 Staff Review Fee	-6,750.00	-766.67	-4,559.00	-719.44	-10,000.00
0015 0402 Cable TV Revenue	-550.00	.00	.00	.00	-107,000.00
0015 0403 Mooring Fees	-130.00	-135.00	-135.00	-135.00	-1,000.00
0015 0410 Private Ways	-200.00	-200.00	-400.00	-600.00	-400.00
0015 0508 Impact Fees	-26,255.60	-38,483.00	-41,238.65	-44,800.00	-50,000.00
0015 0513 Assessing Records	.00	.00	.00	.00	-100.00
TOTAL Other Revenues	-44,567.66	-55,821.35	-89,849.59	-52,626.28	-274,200.00
0021 Police Related Revenues					
0021 0351 Police Issued Permits	-1,749.00	-409.00	-139.00	-210.00	-3,500.00
0021 0353 Police Insurance Reports	-136.00	-184.00	-120.00	-208.00	-500.00
0021 0427 Parking Tickets	-190.00	.00	.00	.00	-200.00
0021 0428 Outside Detail	-12,899.40	-5,927.16	-2,788.13	-4,202.67	-35,000.00
0021 0536 Animal Control Officer Revenue	-226.60	-370.00	-136.00	-246.00	-2,500.00
0021 0546 Court Reimbursements	-215.00	-867.84	-200.00	-150.00	-3,500.00
0021 0547 Miscellaneous Police Revenue	-1,242.87	-1,021.59	-33.00	-15.00	-500.00



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HISTORICAL ACTUALS COMPARISON REPORT

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FOR PERIOD 04 OF 2016

ACCOUNTS FOR:	PRIOR YR3	PRIOR YR2	LAST YR	CURRENT YR	CY REV
001 General Fund	ACTUALS	ACTUALS	ACTUALS	ACTUALS	BUDGET
0021 0620 Federal Grant revenue	.00	.00	.00	-5,000.00	-25,000.00
TOTAL Police Related Revenues	-16,658.87	-8,779.59	-3,416.13	-10,031.67	-70,700.00
0022 Fire Related Revenues					
0022 0390 Misc. Revenue	-10,518.50	.00	.00	-5.00	-15,000.00
0022 0431 Outside Details	-2,215.00	-3,291.00	-2,990.00	-2,536.80	-15,000.00
0022 0504 Rescue Billing	-13,599.24	-8,526.49	-24,658.29	-35,426.48	-155,000.00
0022 0505 Non Emergency Transports	.00	.00	-10,918.72	-28,503.18	-31,200.00
0022 0507 Paramedic Intercepts	-600.00	-600.00	.00	.00	-2,000.00
TOTAL Fire Related Revenues	-26,932.74	-12,417.49	-38,567.01	-66,471.46	-218,200.00
0031 Public Works Related Revenues					
0031 0355 Recycling Income	.00	-20.00	.00	.00	.00
0031 0390 Misc. Revenue	-569.00	-312.00	-31,726.00	-273.00	-500.00
0031 0517 Bags/Universal Waste	-52,019.00	-42,944.00	-48,195.50	-53,195.00	-260,000.00
0031 0539 Brush Passes	-1,011.00	-1,097.00	-1,264.00	-768.00	-7,500.00
TOTAL Public Works Related Rev	-53,599.00	-44,373.00	-81,185.50	-54,236.00	-268,000.00
0037 ValHalla Revenues					
0037 0306 Over/Short	.00	.00	.00	-8.94	.00
0037 0329 Payment in Lieu of Taxes	.00	.00	.00	.00	-8,000.00
0037 0357 Golf Memberships	.00	.00	.00	-106,133.50	-239,283.00
0037 0358 Greens Fees	.00	.00	.00	-69,666.70	-127,148.00
0037 0359 Golf Cart Rentals	.00	.00	.00	-43,263.27	-89,232.00
0037 0378 Soda Sales	.00	.00	.00	-1,645.12	-3,325.00
0037 0416 Practice Range	.00	.00	.00	-6,494.00	-9,465.00
0037 0417 Program Revenues	.00	.00	.00	-12,954.00	-60,132.00
0037 0419 Advertising Sales	.00	.00	.00	-2,050.00	-24,000.00
0037 0522 Outing Golf	.00	.00	.00	-63,272.08	-72,315.00
0037 0560 Rental Income	.00	.00	.00	-4,545.20	-21,600.00
0037 0565 Cell Tower Land Lease	.00	.00	.00	.00	-20,000.00
TOTAL ValHalla Revenues	.00	.00	.00	-310,032.81	-674,500.00

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HISTORICAL ACTUALS COMPARISON REPORT

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ACCOUNTS FOR: 001 General Fund	PRIOR YR3 ACTUALS	PRIOR YR2 ACTUALS	LAST YR ACTUALS	CURRENT YR ACTUALS	CY REV BUDGET
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0041 Recreation Related Revenues					
0041 0370 Recreation Programs	-293.00	-5,254.50	-3,426.66	-1,187.00	-32,408.00
0041 0371 Fall Recreation Revenue	-35,762.22	-39,412.70	-32,279.00	-41,271.00	-36,228.00
0041 0372 Winter Recreation Revenue	-15,964.68	-15,625.00	-19,532.00	-18,110.00	-124,846.00
0041 0373 Spring Recreation Revenue	-325.70	-21.00	-2,428.00	.00	-41,239.00
0041 0374 Summer Recreation Revenue	-34,599.68	-37,578.79	-36,024.92	-21,478.50	-223,017.00
0041 0385 After School Programs	-33,114.22	-36,946.45	-55,980.20	-47,442.00	-173,302.00
0041 0387 Adult Enrichment Revenue	.00	.00	-10,126.50	-9,264.15	-32,377.00
0041 0388 Adult Fitness Revenue	.00	.00	-14,794.05	-18,598.68	-41,840.00
0041 0570 Rec Soccer Revenue	-1,755.00	-10,320.00	-7,456.00	-6,815.00	-10,211.00
0041 0606 CPR/First Aid Revenues	.00	.00	.00	-50.00	.00
TOTAL Recreation Related Reven	-121,814.50	-145,158.44	-182,047.33	-164,216.33	-715,468.00
0043 Park Revenues					
0043 0391 Field Usage Fees	-4,809.87	-3,992.70	-6,282.40	-5,427.16	-15,000.00
0043 0617 Twin Brooks Donations	.00	.00	-25.00	.00	.00
TOTAL Park Revenues	-4,809.87	-3,992.70	-6,307.40	-5,427.16	-15,000.00
0045 Library Related Revenues					
0045 0379 Library Interest Income	-118.42	-79.80	.00	-93.80	-200.00
0045 0392 Library Fines	-1,606.05	-1,597.98	-2,595.40	-1,832.33	-3,500.00
0045 0394 Misc. Library Revenue	-538.10	-347.00	-566.50	-524.90	.00
TOTAL Library Related Revenues	-2,262.57	-2,024.78	-3,161.90	-2,451.03	-3,700.00
TOTAL General Fund	-19,996,942.98	-20,747,192.38	-21,752,646.13	-24,938,372.04	-4,555,489.00
TOTAL REVENUES	-19,996,942.98	-20,747,192.38	-21,752,646.13	-24,938,372.04	-4,555,489.00
GRAND TOTAL	-19,996,942.98	-20,747,192.38	-21,752,646.13	-24,938,372.04	-4,555,489.00



EXPENSES



Financials, Revenue & Citizen Services and Human Capital Management



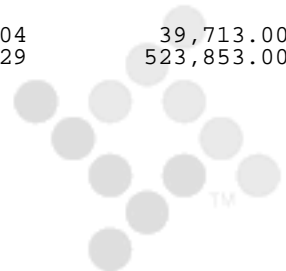
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TOWN OF CUMBERLAND HISTORICAL ACTUALS COMPARISON REPORT

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ACCOUNTS FOR:	PRIOR YR3	PRIOR YR2	LAST YR	CURRENT YR	CY REV
001 General Fund	ACTUALS	ACTUALS	ACTUALS	ACTUALS	BUDGET
<hr/>					
10 General Government					
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130 Administration	197,822.67	188,719.51	196,933.96	215,676.43	548,827.00
140 Assessor	55,654.44	29,994.47	22,342.36	26,027.48	79,486.00
150 Town Clerk	57,246.69	58,075.27	66,421.96	72,259.85	221,002.00
160 Technology	69,995.26	82,252.97	45,707.33	70,447.23	166,546.00
165 Elections	956.49	2,327.00	5,922.39	782.99	11,953.00
170 Planning	19,619.74	18,183.17	20,158.48	18,682.16	63,775.00
190 Legal	3,757.34	6,633.74	11,372.48	10,404.00	42,500.00
999 Finance/GAAP entries	.00	.00	-63.26	-2,125.00	.00
TOTAL General Government	405,052.63	386,186.13	368,795.70	412,155.14	1,134,089.00
20 Public Safety					
<hr/>					
210 Police	364,768.85	356,852.20	425,664.24	420,830.29	1,257,423.00
220 Fire	253,008.73	241,820.07	292,991.32	282,392.84	885,161.00
240 Code Enforcement	21,718.30	23,660.36	31,782.55	30,231.63	94,049.00
260 Animal Control	14,555.54	16,391.34	9,616.02	14,435.79	27,661.00
TOTAL Public Safety	654,051.42	638,723.97	760,054.13	747,890.55	2,264,294.00
30 Public Services					
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310 Public Works	284,515.06	216,369.84	250,820.52	248,114.58	968,453.00
320 Waste Disposal	210,105.52	132,438.00	121,362.10	114,660.90	520,525.00
430 Parks	58,585.15	78,652.78	117,758.72	107,463.66	221,520.00
440 West Cumberland Rec	947.18	1,429.54	395.60	338.80	7,775.00
470 Historical Society Building	.00	.00	.00	.00	2,102.00
TOTAL Public Services	554,152.91	428,890.16	490,336.94	470,577.94	1,720,375.00
37 Val Halla Golf Club					
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350 Valhalla-Club	.00	.00	.00	11,268.04	39,713.00
360 Valhalla-Course	.00	.00	.00	258,468.29	523,853.00



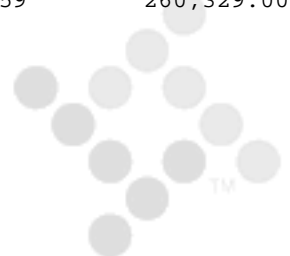
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TOWN OF CUMBERLAND
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ACCOUNTS FOR:	PRIOR YR3	PRIOR YR2	LAST YR	CURRENT YR	CY REV
001 General Fund	ACTUALS	ACTUALS	ACTUALS	ACTUALS	BUDGET
370 Valhalla-Pro Shop	.00	.00	.00	162,302.27	195,668.00
TOTAL Val Halla Golf Club	.00	.00	.00	432,038.60	759,234.00
40 Recreation					
410 Recreation	246,317.14	250,035.10	313,567.25	323,738.78	783,686.00
TOTAL Recreation	246,317.14	250,035.10	313,567.25	323,738.78	783,686.00
45 Library					
450 Library	117,976.67	122,026.59	128,169.25	132,891.22	411,267.00
TOTAL Library	117,976.67	122,026.59	128,169.25	132,891.22	411,267.00
50 Health & Welfare					
580 General Assistance	10,541.35	10,552.02	9,298.36	18,647.90	35,000.00
590 Health Services	6,341.45	6,341.45	7,841.45	10,841.45	13,375.00
TOTAL Health & Welfare	16,882.80	16,893.47	17,139.81	29,489.35	48,375.00
90 Other					
620 Cemetery Association	22,600.00	25,700.00	22,500.00	32,500.00	26,700.00
630 Conservation Commission	.00	.00	2,000.00	5,961.36	6,000.00
800 Fire Hydrants	18,924.49	19,187.45	15,004.93	16,608.70	65,000.00
810 Street Lighting	8,995.13	9,126.82	10,139.10	10,681.39	37,000.00
830 Contingent	1,633.62	9,273.08	.00	2,958.70	25,000.00
840 Municipal Building	49,593.84	53,680.34	49,273.97	15,424.45	80,629.00
850 Abatements	.00	1,690.00	24,450.48	1,771.99	20,000.00
TOTAL Other	101,747.08	118,657.69	123,368.48	85,906.59	260,329.00
98 Fixed Expenses					



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**TOWN OF CUMBERLAND
 HISTORICAL ACTUALS COMPARISON REPORT**
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ACCOUNTS FOR: 001 General Fund	PRIOR YR3 ACTUALS	PRIOR YR2 ACTUALS	LAST YR ACTUALS	CURRENT YR ACTUALS	CY REV BUDGET
650 Debt Service	572,892.69	573,651.86	594,533.52	571,794.72	825,000.00
750 Insurance	166,476.01	159,085.94	120,472.86	147,521.19	219,499.00
860 MSAD #51	4,392,202.20	4,558,835.91	4,771,102.00	5,185,683.64	15,557,051.00
890 County Tax	623,416.00	.00	.00	1,494,862.00	747,431.00
910 Capital Imp. Plan	896,137.00	1,133,693.00	1,323,868.00	1,181,500.00	1,181,500.00
TOTAL Fixed Expenses	6,651,123.90	6,425,266.71	6,809,976.38	8,581,361.55	18,530,481.00
TOTAL General Fund	8,747,304.55	8,386,679.82	9,011,407.94	11,216,049.72	25,912,130.00
TOTAL EXPENSES	8,747,304.55	8,386,679.82	9,011,407.94	11,216,049.72	25,912,130.00
GRAND TOTAL	8,747,304.55	8,386,679.82	9,011,407.94	11,216,049.72	25,912,130.00

